

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEVIN RICHARDSON,
Petitioner,

v.

FERNANDIES FRAZIER, Warden,¹
Respondent.

Case No. [22-cv-00148-YGR](#) (PR)

ORDER OF TRANSFER

Petitioner, who is currently in custody at the Northern Nevada Correctional Center (“NNCC”) in Carson City, Nevada, filed a document entitled, “Writ of Habeas Corpus” as well as another document entitled, “Amendment.” Dkts. 19, 21.

On July 7, 2022, after conducting a preliminary screening of the petition, the Court dismissed the petition/amendment with leave to amend upon determining that it could not fairly evaluate either the petition or the amendment in their present state, nor could it “be certain that petitioner intended to file a 28 U.S.C. § 2254 petition at all.” Dkt. 24 at 3. The Court granted petitioner twenty-eight days from the date of the Order to file an amended petition to “allow petitioner an opportunity to clearly state his grounds for relief and provide sufficient facts to support each claim.” *Id.* The Court further stated as follows: “Petitioner must also complete the Court’s habeas form in order for to provide basic information, for example whether he was convicted in California (he is currently incarcerated in Nevada) so as to determine whether this is the correct venue.” *Id.*

On July 29, 2022, petitioner filed an amended petition on the Court’s form habeas corpus petition. The petition alleges that petitioner was convicted in Clark County Superior Court in the

¹ Fernandies Frazier, the current warden of the prison where petitioner is incarcerated, has been substituted as respondent pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

1 State of Nevada, which is within the venue of the United States District Court for the District of
2 Nevada. Petitioner is incarcerated at NNCC, which is also within the venue of the District of
3 Nevada. Venue for a habeas action is proper in either the district of confinement or the district of
4 conviction. 28 U.S.C. § 2241(d).

5 Accordingly, this case is TRANSFERRED to the United States District Court for the
6 District of Nevada. *See* 28 U.S.C. § 1404(a). The Clerk shall transfer the entire file
7 (electronically, if possible) to the District of Nevada.

8 IT IS SO ORDERED.

9 Dated: January 5, 2023

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12 JUDGE YVONNE GONZALEZ ROGERS
13 United States District Judge
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United States District Court
Northern District of California